

Rule 2.12

**DIFFERENTIATED CASE MANAGEMENT**

(a) **Statement of Purpose and Scope of Authority.** Pursuant to the Civil Justice Reform Act, 28 U.S.C §471 *et seq.*, the United States District Court for the District of Arizona has, effective December 1, 1993, established a Differentiated Case Management ("DCM") system, which screens cases for complexity, assigns cases to specific tracks based on that complexity, and manages cases to disposition according to predetermined milestones established for respective tracks.

(b) **Tracks.**

(1) Expedited Track.

(A) Assignment.

(i) Cases are assigned to this track by the Clerk of Court based on nature of suit, and are those which usually are resolved on the pleadings. Natures of suit include:

Bankruptcy Appeals;

Social Security;

Student Loan, Veteran's Benefits, and  
other recovery;

Forfeiture/Penalty actions;

Freedom of Information Act (FOIA) actions;

Office of Navajo and Hopi Indian

Relocation actions;

Summons and Subpoena Enforcement actions.

(ii) Other cases may be assigned to this track based on complexity. Such determination may be made either by the parties at filing, or by the Court at a preliminary scheduling conference.

(iii) A case in a nature of suit listed in (i) above, but which may have more complex issues or facts, may likewise be assigned to another track.

(B) Management. A preliminary scheduling conference is not required; however, a scheduling order shall be issued.

(C) Discovery. Limited discovery is presumed to

include interrogatories of up to fifteen (15) single-part questions, the deposition of the parties and not more than one (1) non-party fact witness deposition per party.

(2) Arbitration Track. Cases are assigned to this track by the Clerk of Court, and are managed pursuant to 28 U.S.C. §651 *et seq.* and Local Rule 2.11, which define discovery and other deadlines. Cases which are withdrawn from arbitration shall be reassigned to the appropriate track based on the criteria herein.

(3) Prisoner Pro Se Track.

(A) Assignment. Cases are assigned to this track by the Clerk of Court based on nature of suit and are administered by the District's Prisoner Pro Se Office. Natures of suit include General Habeas Corpus cases, Motions to Vacate Sentence, Mandamus Petitions, and Prisoner Civil Rights actions, which include civil rights complaints lodged or filed by prisoners challenging the conditions of their confinement pursuant to 42 U.S.C. §1983, Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971), or otherwise, and all other civil rights claims relating to the investigation and prosecution of criminal matters or to correctional agencies and institutions in connection with their decisions or acts arising out of their custodial functions.

(B) Management. Prisoner Civil Rights Actions shall be managed according to the following deadlines. The service order shall include a scheduling order, setting:

(i) maximum date to effect service, pursuant to Rule 4 of the Federal Rules of Civil Procedure, or sixty (60) days from filing of service order, whichever is later;

(ii) discovery cutoff one-hundred fifty (150) days from the maximum service date determined according to (i) above; and

(iii) dispositive motion or proposed pretrial order filing deadline one-hundred eighty (180) days from the maximum service date determined according to (i) above.

(4) Standard Track.

(A) Assignment. Cases which do not meet the criteria of the Expedited, Arbitration, or Prisoner/Pro Se tracks,

and are not determined complex, are assigned to this track.

(B) Management.

(i) A preliminary scheduling conference, pursuant to Rule 16 of the Federal Rules of Civil Procedure, shall be scheduled within one-hundred eighty (180) days of filing, and conducted by the assigned District Judge or his or her designee.

(ii) The scheduling order issued from this conference, in accordance with Rule 16(b) of the Federal Rules of Civil Procedure, shall include dates for filing a joint proposed pretrial order and conducting a pretrial conference. The trial date shall be set at the pretrial conference. If the assigned District Judge is unable to try the case on that date, the case shall be referred to the Chief Judge for reassignment to any available District Judge.

(C) Discovery. Limited discovery is presumed to include interrogatories of up to forty (40) single-part questions, the deposition of the parties and their respective experts, and not more than eight (8) non-party fact-witness depositions per party.

(5) Complex Track.

(A) Assignment. Complex cases are those which require extensive judicial involvement, and shall be so designated by the District Judge, counsel, and parties.

(B) Management. A preliminary scheduling conference shall be conducted before the assigned District Judge for all cases on this Complex track, and an initial scheduling order, in accordance with Rule 16(b) of the Federal Rules of Civil Procedure, shall be issued following such conference.

(C) Multidistrict litigation. An attorney filing a complaint, answer, or other pleading involving a case which may involve multidistrict litigation (see 28 U.S.C. §1407), shall, with the filing of the pleading, file in writing with the Clerk of the Court and the Judge to whom the case has been assigned, a paper describing the nature of the case listing the title(s) and number(s) of any other related case(s) filed in this or other jurisdictions.